

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

v.

BRIAN W. CUTRIGHT

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:11-CR-330-MMD-GWF

USM Number: 61320-112

Todd Leventhal

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the indictment☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC §1341	Mail Fraud	1/31/2011	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☒ Count(s) remaining counts ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

1/7/2013

Date of Imposition of Judgment

Signature of Judge

MIRANDA M. DU

Name and Title of Judge

U.S. District Judge

January 11, 2013

Date

DEFENDANT: BRIAN W. CUTRIGHT
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PROBATION

The defendant is hereby sentenced to probation for a term of :

5 years

The defendant shall not commit another federal, state or local crime.

The Defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

1. You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
2. To ensure compliance with all conditions of release, the defendant shall submit to the search of his/her person, and any property, residence, business or automobile under his/her control by the probation officer, or any other authorized person under the immediate and personal supervision of the probation officer without a search warrant at a reasonable time and in a reasonable manner. Provided, however, the defendant shall be required to submit to any search only if the probation officer has reasonable suspicion to believe the defendant has violated a condition or conditions of release.
3. You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.
4. You shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.
5. You shall be restricted from engaging in employment, consulting, or any association with any mortgage related business for a period of five (5) years.
6. You shall complete up to 40 hours of community service per month, at the discretion of the probation officer. The Court recommends that you perform the community service at a Senior Community Center or similar type of facility as approved and directed by the probation officer

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$ 762,143.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
See attached restitution list	\$762,143.00	\$762,143.00	

TOTALS	\$ <u>762,143.00</u>	\$ <u>762,143.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☒ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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Victim First Name	Victim Last Name	Loss Amount
Willie	Aime	\$1,500.00
Tillie	Allen	\$3,668.00
Tom	Allen	\$3,000.00
Santiago & Norma	Alvarez	\$5,000.00
Jesus & Berta	Arias	\$2,918.00
Jose & Evelia	Arias	\$4,187.00
Juan Baldizon &	Aurora Juarez	\$437.00
Jose & Maria	Aviles	\$1,000.00
Clayton	Bailey	\$1,000.00
John	Baker	\$3,668.00
Ronald & Ellie	Baker	\$6,000.00
Vaselina & Krastyo	Banova	\$3,668.00
Leopoldo	Barillas	\$3,668.00
James & Helen	Barlett	\$3,668.00
Bret & Roshelle	Barrow	\$3,668.00
Norma & Keith	Beagle	\$1,000.00
Scott & Linda	Beesley	\$3,000.00
Karen	Belka	\$3,000.00
Vincent & Kristina	Bianchi	\$5,536.00
Mike & Janet	Bishop	\$6,000.00
John & Kristina	Bizzarri	\$3,331.00
Eileen	Bogert	\$3,437.00
Robert	Bolick	\$1,500.00
Charlene & Jim	Borchard	\$3,668.00
Roger	Brosius	\$3,668.00
Bud	Brown	\$5,000.00
Eugene & Rina	Brown	\$5,345.00
Sandra & Kenneth	Buchanan	\$3,668.00
Robert	Bucien	\$3,668.00
Steven	Burkholder	\$3,668.00
Donald	Cable	\$1,000.00
Warren & Constance	Campbell	\$2,841.00
Louis & Amy	Cardinali	\$4,202.00
John & Janet	Casey	\$3,668.00
Juelann	Cathey	\$3,437.00
Salvador & Lorena	Cazares	\$3,668.00
Ryan	Cerchiai	\$3,437.00
Cody	Champoux	\$3,437.00
David	Cherry	\$3,668.00
Clifton	Ching	\$1,437.00
Christine	Chuatoco	\$2,000.00
Dennis & Irina	Coggins	\$3,668.00
Sam	Coleman	\$1,500.00
Ricardo	Corona	\$6,000.00
James	Corsi	\$6,000.00
Brian	Coulter	\$3,437.00\

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Timothy	Curry	\$4,000.00
Vreneli	Custodio	\$2,668.00
William & Roxanne	Daniel	\$3,668.00
Benjamin	Datuin	\$5,168.00
Carina	Decena	\$4,000.00
Jody & Judith	Degenero	\$3,668.00
Angela	Delange	\$3,668.00
Genaro & Lydia	Delgado	\$3,437.00
Joseph	Delutri	\$3,668.00
Michael	Diamond	\$5,536.00
James & Karin	Doyle	\$5,345.00
Gilbert	Drexel	\$3,668.00
Connie	Eagleton	\$3,437.00
George & Christina	Eastwood	\$5,937.00
Lawrence	Edwards	\$3,437.00
Arthur	Ermita	\$2,668.00
James & Kathleen	Ezemoli	\$3,000.00
Ruben	Farillas	\$2,000.00
Howard	Fenster	\$3,668.00
Concepcion	Flores	\$4,000.00
Robert	Flynn	\$4,000.00
Robert & Sarah	Flynn	\$1,500.00
Frederick	Foisia	\$3,437.00
Colleen	Frederickson	\$3,668.00
Mike	Fuller	\$6,000.00
Glenn	Funk	\$3,437.00
Manuel	Galimba	\$3,668.00
Claudiano	Gallegos	\$2,500.00
David	Garbarino	\$3,230.00
Stanton	Gardenhire	\$3,668.00
Joseph & Maria	Geary	\$3,067.00
Adrian	Gilbert	\$3,067.00
Bryan & Lisa	Glass	\$3,501.00
Stephanie	Glover	\$3,331.00
Jorge & Evelyn	Gonzalo	\$3,668.00
David	Gray	\$3,437.00
Donald	Greig	\$2,000.00
Richard	Gritman	\$3,668.00
Sandra & David	Hanes	\$3,437.00
Kay	Hansa	\$300.00
Edward & Kathleen	Harding	\$3,341.00
Larry	Harris	\$2,500.00
Richard & Teresa	Harris	\$3,668.00
Linda	Harrison	\$3,437.00
Michael	Harvey	\$3,668.00
Robert	Hazy	\$3,437.00
Aaron	Headen	\$3,437.00

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Jodi	Herda	\$3,668.00
Gregory	Hill	\$3,668.00
Ronald & Laurie	Hill	\$1,668.00
Ilania	Hofler	\$3,230.00
Gary & Marina	Hops	\$1,500.00
James	Hudgens	\$3,668.00
Carolyn & Ronald	Hudson	\$3,668.00
Elizabeth	Ignatowicz	\$3,668.00
Modesto	Ilustrado	\$3,668.00
James & Delores	Ippolito	\$3,668.00
Frank	Jaffe	\$3,668.00
Jeffrey	Johnson	\$3,668.00
L.W. & Marie	Johnson	\$3,668.00
Kenneth & Kathie	Jones	\$3,668.00
Peggy	Jones	\$3,668.00
James & Christine	Judge	\$6,000.00
John	Jurceack	\$3,000.00
John	Jurecki	\$3,668.00
Mary	Justi	\$1,850.00
Michael & Karen	Kelly	\$1,000.00
Timothy	Kirkland	\$6,000.00
Jared	Kleinman	\$1,850.00
Karen	Lamorte	\$3,437.00
Stephan	Latham	\$3,437.00
Gregory & Donna	Lavdanski	\$3,437.00
Russell	Laws	\$300.00
Chadburn	Lee	\$4,106.00
Don & Sylvia	Leech	\$3,668.00
Victor	Lehenbauer	\$6,000.00
Lance & Shelene	Lewis	\$3,668.00
Joseph & Paula	Lichardi	\$4,055.00
Daniel & Kristen	Lien	\$3,668.00
Kris	Lindquist	\$3,668.00
Mark & Anna	Lissor	\$3,668.00
Timothy & Joanne	Livingston	\$5,000.00
Robin & Angela	Lobato	\$1,850.00
Jerry	Lockhart	\$3,668.00
Isagani & Carmelita	Lopez	\$3,668.00
Kenneth	Luoto	\$3,437.00
Janie	Magnus	\$3,668.00
Thelma	Maralit	\$4,800.00
Pablo & Teofista	Mariano	\$3,668.00
Earl & Shelly	Martin	\$3,668.00
Joan	Martin	\$4,584.00
Tony & Susan	Martin	\$1,000.00
Donald	Mathews	\$3,668.00
Glen & Shirley	Mathis	\$4,500.00

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Thomas	Matkin	\$3,668.00
Vito	Mazzeo	\$5,500.00
Edith & Edward	McGlynn	\$3,437.00
Robert & Norma	McIntosh	\$3,437.00
Pamela	Miller	\$5,803.00
Richard & Janelle	Milner	\$3,437.00
Allison	Moore	\$3,668.00
Terrell	Moore	\$3,668.00
Andrew	Mowrer	\$6,000.00
Richard & Cheryl	Mulconrey	\$3,668.00
Penny	Munn	\$3,668.00
Darren	Murdock	\$3,437.00
Huey & Vicky	Nguyen	\$3,437.00
Barbara	Nicksic	\$3,437.00
Cody & Brittany	Noble	\$3,668.00
Deborah	Nos	\$3,668.00
Shawn	O'Keefe	\$3,500.00
Jose & Marivell	Olvera	\$3,668.00
Ernest	Orchard	\$3,668.00
Shana & Stacy	Park	\$3,668.00
Brian	Parker	\$3,000.00
Robert	Patrino	\$3,668.00
Vadim	Pavlov	\$2,214.00
Mark & Jodi	Peko	\$3,668.00
Jose & Herlinda	Perez	\$1,000.00
Suzanne	Peterson	\$8,000.00
Debra	Phillips	\$3,336.00
Roy & Gloria	Randall	\$3,668.00
Donald	Rendal	\$5,673.00
Guy & Barbara	Rhoden	\$5,668.00
Lee & Cathy	Rhodes	\$3,988.00
Stephen & Penny	Rice	\$3,437.00
Gregory & Shauna	Robinson	\$3,437.00
Gregory & Stephanie	Rollins	\$3,668.00
Miro	Rosini	\$3,668.00
Donald & Julia	Rowe	\$6,000.00
Craig & Lorelei	Ruff	\$3,668.00
Joseph & Victoria	Sabia	\$5,345.00
Lily	Salindeho	\$3,668.00
Donald & Kathy	Sallot	\$4,763.00
Diana & Jason	Schaefer	\$3,668.00
Kenneth & Sun	Schubert	\$3,668.00
Kristopher	Shepherd	\$3,668.00
Carl & Ruth	Silas	\$3,437.00
Michael & Elma	Sitton	\$1,000.00
Douglas & Patricia	Smith	\$4,000.00
Spencer	Smith	\$3,055.00

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Sourignong	Soumountha	\$3,668.00
David & Heather	Sproul	\$3,668.00
Lon & Deborah	Stokes	\$3,668.00
Etienne & Miranda	Sullivan	\$4,168.00
James	Sweat	\$4,000.00
Gus	Tasso	\$3,668.00
Joan	Taylor	\$3,668.00
Gener	Tejero	\$3,668.00
Timothy	Thompson	\$3,668.00
Connie & Bruce	Tobin	\$3,437.00
Earl & Rita	Townsley	\$300.00
Terry	Underwood	\$3,437.00
Debbie	Vernon	\$3,668.00
Gary	Wakeman	\$2,876.00
Michael	Wallace	\$1,500.00
Richard	Wallace	\$5,668.00
Michael	Walls	\$3,668.00
Darrell	Weible	\$3,668.00
John	Wendowski	\$3,437.00
James	Wetzel	\$3,668.00
Timothy & Debra	Wilkerson	\$6,000.00
Earl A.	Williams	\$2,000.00
Johnie & Luanne	Williams	\$3,437.00
Shirley	Williams	\$3,668.00
Freddie & Linda	Wright	\$3,668.00
Rodney & Natalee	Yack	\$3,668.00
William & Sherry	Yarbrough	\$3,668.00
		\$762,143.00

DEFENDANT: BRIAN W. CUTRIGHT
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 762,143.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
Defendant shall pay not less than 10% of his gross income, subject to adjustment depending upon his ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.